§ 1273. And even the English courts have refused to allow the subrogation where the surety seeks to secure equal priority with the Crown. *Regina* v. *O'Callaghan*, 1 Ir. Eq. 439. The decision in the principal case, accordingly, necessarily involves a holding that Congress intended to give the surety a new right, and the case can be supported only on this basis. But the earlier cases indicate that REV. STAT., § 3468, is simply declaratory of the equitable doctrine of subrogation in favor of sureties. See *United States* v. *Ryder*, 110 U. S. 729, 739; also *United States* v. *Preston*, 27 Fed. Cas. No. 16,087, 4 Wash. C. C. 446. Hence the common-law rule should apply and the case seems incorrect.

TAXATION — WHERE PROPERTY MAY BE TAXED — DOMESTIC TAX ON SEAT IN FOREIGN STOCK EXCHANGE. — An Ohio stock-broker sought to enjoin the State auditor from listing his membership in the New York Stock Exchange for taxation in Ohio. *Held*, that the petition be dismissed. *Anderson* v. *Durr*, 126 N. E. 57 (Ohio).

A membership in such an exchange is taxable property. *Rogers* v. *Hennepin County*, 240 U. S. 184; *State* v. *McPhail*, 124 Minn. 398, 145 N. W. 108; *In re Glendinning*, 68 App. Div. 125, 74 N. Y. Supp. 190, aff'd, 171 N. Y. 684, 64 N. E. 1121. Intangible personal property is generally taxed at the domicile of the owner. *Scripps* v. *Board of Review*, 183 Ill. 278, 55 N. E. 700. See 1 COOLEY, TAXATION, 3 ed., 89. But certain intangible property, including an exchange membership, may acquire a "business *situs*" and be taxable in a state other than that of the owner's domicile. *Rogers* v. *Hennepin County*, *supra; In re Glendinning*, *supra*. Liability to taxation in both states has been uniformly held not a violation of the Federal Constitution. *Fidelity Trust Co.* v. *Louisville*, 245 U. S. 54; *Blackstone* v. *Miller*, 188 U. S. 189. See Joseph H. Beale, "Jurisdiction to Tax," 32 HARV. L. REV. 587, 588. The decision in the principal case, therefore, rests on strong legal precedents. The taxation of the same property in two states is, however, unjust and economically undesirable. See *Kidd* v. *Alabama*, 188 U. S. 730, 732; *Blackstone* v. *Miller*, *supra*, 205. The Supreme Court has held that taxation at the owner's domicile of tangible personal property which was permanently located in another state violated the Fourteenth Amendment. *Union Refrigerator Transit Co.* v. *Kentucky*, 199 U. S. 194. This doctrine is, however, expressly limited to tangible personalty. *Fidelity Trust Co.* v. *Louisville*, *supra*. See *Union Refrigerator Transit Co.* v. *Kentucky*, *supra*, 205, 206, 211. But the same principle should be extended logically to prevent taxation at the owner's domicile of intangible personal property which in a business sense has a *situs* in another state and is there subject to taxation.

WILLS — REVOCATION BY MARRIAGE. — The testator made a bequest to a certain woman, provided that their contemplated marriage should take place. They married as contemplated within a month. A statute provided that "a marriage shall be deemed a revocation of a previous will." (1917 ILL. REV. STAT., c. 39, § 10.) *Held*, that the will was not revoked. *Ford* v. *Greenawalt*, 126 N. E. 555 (Ill.).

By the common law, marriage without the birth of issue would not revoke a man's will. *Hulett* v. *Carey*, 66 Minn. 327, 69 N. W. 31. The contrary was held in some of the states where statutes had made the wife heir to the husband. *Tyler* v. *Tyler*, 19 Ill. 151. In the same case, Illinois adopted the rule that the revocation was only presumptive. But it was established in England before the Wills Act, and is held by the weight of authority in this country, that revocation caused by change of circumstance is absolute. *Marston* v. *Fox*, 8 Ad. & El. 14; see ROOD, WILLS, 1 ed., § 377. The decision that the statute in the principal case was merely declaratory is therefore untenable;